

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**STEPHEN WILSON AND
ROSIE WILSON**

Plaintiffs,

vs.

**TRAVELERS HOME AND MARINE
INSURANCE**

Defendant.

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CIVIL ACTION NO. 5:21-CV-1153

**DEFENDANT TRAVELERS PERSONAL INSURANCE COMPANY’S
NOTICE OF REMOVAL**

Defendant TRAVELERS HOME AND MARINE INSURANCE COMPANY, (“Travelers” or “Defendant”), files its Notice of Removal of this action from the 201st Judicial District Court, Travis County, Texas to the United States District Court for the Western District of Texas, Austin Division, the Court for the District and Division encompassing the place where the lawsuit is currently pending. In support of this removal, Defendant relies upon the Index Filed in Support of Defendant’s Notice of Removal filed contemporaneously herewith and shows the following:

**I.
INTRODUCTION**

1. On October 14, 2021, Plaintiffs Stephen Wilson and Rosie Wilson filed an Original Petition in the 201st Judicial District Court, Travis County, Texas captioned *Stephen and Rosie Wilson. vs. Travelers Home and Marine Insurance Company*, Cause Number D-1-GN-21-006176 (the “State Court Action”).

II. BASIS FOR REMOVAL

2. This Court has original jurisdiction over this State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

3. The Plaintiffs seek monetary relief over \$250,000.00 and then seek alternatively, damages of \$250,000 or less. *See* Exhibit “C” at section III, page 2. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs.

4. Plaintiffs Stephen Wilson and Rosie Wilson are citizens of the State of Texas. *See* Exhibits “C” at section II, pg. 1.

5. Defendant, The Travelers Home and Marine Insurance Company, at the time of the filing of this action, and at the time of this removal, is, a citizen of the State of Connecticut because it is a Connecticut corporation with its principal place of business in the State of Connecticut.

5. Because the amount in controversy exceeds \$75,000 and Plaintiffs are citizens of Texas, or alternatively are not citizens of the state of Connecticut, while Defendant is a citizen of Connecticut, this Court has original jurisdiction over the present action pursuant to 28 USC §1332. Therefore, removal is proper.

8. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

9. This Notice of Removal is filed within thirty (30) days after service (on November 12, 2021) by Defendant of the State Court Action. This Notice of Removal has also been filed within

one year of the filing of Plaintiffs' Original Petition by which the State Court Action was commenced. This Notice, therefore, is timely filed pursuant to 28 USC §1446 (b).

III. PROCEDURAL REQUIREMENTS

10. In accordance with 28 USC §1446 (D), Defendant will promptly give written notice of this Notice of Removal to Plaintiffs through counsel of record and file a copy of this Notice of Removal in the 201st Judicial District Court, Travis County, Texas.

11. Defendant reserves the right to amend or supplement this Notice of Removal.

12. The following are included in the Index filed contemporaneously with this Notice of Removal:

(a) an index of all documents that clearly identifies each document and indicates the date the document was filed in the State Court Action;

(b) a copy of each document filed in the State Court Action, except discovery material, arranged in chronological order according to the state court filing date; and

(c) a separately filed JS44 Civil Cover Sheet for Cases Removed from State District Court.

For the above reasons, Defendant gives notice of the removal of the State Court Action to this Court and respectfully requests that this action proceed before this Court as though it had originally been instituted in this Court.

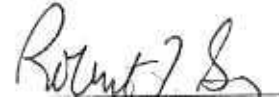
Dated: November 19, 2021.

Respectfully submitted,

BROCK ♦ GUERRA
STRANDMO DIMALINE JONES, P.C.

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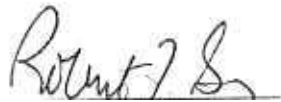
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to the following counsel of record in compliance with the Federal Rules of Civil Procedure this 19th day of November, 2021:

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